

## REMARKS

In an Office Action dated April 3, 2009, the Examiner has maintained the previous rejections of all of the pending claims under 35 U.S.C. §103(a) as being unpatentable over the previously cited art of record.

Specifically, the Examiner has again rejected Claims 1, 10-12, 14-15, 18-20, 23-25, 29 and 30 under 35 USC § 103(a) as being unpatentable over USPN 6,356,931 issued to Ismael (“Ismael”) in view of US Patent Application Publication No. 2004/0019639 issued to E (“E”). The Examiner has again rejected Claim 13 under 35 USC §103(a) as being unpatentable over Ismael in view of E, further in view of USPN 7,086,065 issued to Yeluripati (“Yeluripati”). The Examiner has again rejected Claims 3-9, 17, 22, 27 and 28 under 35 USC §103(a) as being unpatentable over Ismael in view of E, further in view of US Patent Application Publication No. 2002/0112044 issued to Hessmer (“Hessmer”).

In this response, Applicant again traverses the rejections. Without admitting the propriety of the rejections, and in a continuing effort to advance the prosecution of the application as quickly as possible, Applicant has further amended independent Claims 1, 15, 20 and 25 to clarify the subject matter that Applicant regards as the invention. Support for the amendments is found throughout the specification and drawings, and in particular is found in FIGS. 5-6 and the accompanying description in paragraphs [0018] – [0038]. Claims 1, 3-15, 17-20, 22-25 and 27-30 remain pending.

Applicant respectfully requests reconsideration of pending Claims 1, 3-15, 17-20, 22-25, and 27-30 in view of the amendments to the claims and arguments as set forth in detail in the following remarks.

---

### **CLAIM REJECTIONS – 35 U.S.C. § 103**

The Examiner has maintained all of the previous rejections of the claims under Section 103(a) based on the previously cited art of record, principally the references to Ismael and E. Applicant traverses the rejections.

#### **Claims 1, 10-12, 14-15, 18-20, 23-25, 29 and 30**

Claim 1, as currently amended, now recites:

1. A computer-implemented method employed within a network of application server instances having a cluster architecture, comprising:

*registering a plurality of management beans (MBeans) with an MBean server, the MBean server providing the MBeans with access to manageable resources of application server instances within a cluster of application server instances, the manageable resources being monitored by the MBeans;*

displaying a representation of the plurality of management beans (MBeans) registered with the MBean server on a graphical user interface of a computing device, *the registered MBeans including monitor MBeans and runtime MBeans, the monitor MBeans retrieving monitoring data from the runtime MBeans and the runtime MBeans providing the monitoring data to the monitoring MBeans*, wherein each of the displayed MBeans represents a manageable resource of an application server instance within a cluster of application server instances;

monitoring the manageable resources within the cluster, including *the monitor MBean retrieving the monitoring data regarding the manageable resources within the cluster from the runtime MBeans associated with the manageable resources*;

selecting one of the plurality of MBeans displayed in the graphical user interface; and accessing an attribute of the selected MBean with the graphical user interface *to view the retrieved monitoring data regarding the manageable resource represented by the selected MBean.*

In making the rejection under Section 103, the Examiner again criticizes Applicants' specification as not providing any "limiting definition" of the terms "dispatcher," "locking service," or "messaging service," (Office Action, Page 8). Applicants again disagree, and urge the Examiner to consider that the meaning of a particular claim term *may be defined by implication, that is, according to the usage of the term in the context of the specification*. See Phillips v. AWH Corp., 415 F.3d 1303, 75

USPQ2d 1321 (Fed. Cir. 2005) (en banc) quoted in MPEP 2111.01 (IV). Accordingly, the claim limitations, including the terms “cluster,” “dispatcher,” “central service,” “locking service” and “messaging service,” must be interpreted in light of the specification.

Moreover, contrary to the Examiner’s assertion, Applicants’ specification does provide ample description of the cluster architecture in Figure 13 and the accompanying paragraphs [0083-0089], including descriptions of the terms “cluster,” “dispatcher,” “central service,” “locking service” and “messaging service.” For example, in paragraph [0086] of Applicants’ specification, the central services instance 1300 is described as enabling the communication and synchronization between each of the application server instances 1310 and 1320 as illustrated in FIG. 13. To carry out the communication and synchronization, the message service 1304 allows each of the servers within each of the application server instances to communicate with one another via a message passing protocol, while the locking service disables access to certain specified portions of the configuration data and/or program code stored within a central database.

Without admitting the propriety of the rejections, and to advance the prosecution of the application to allowance as quickly as possible, Applicants have amended Claim 1 and the other independent claims to clarify the subject matter that Applicants regard as the invention, in particular to recite additional limitations of managed beans (MBeans), in particular registering the MBeans with an MBean server that provides the MBeans with access to manageable resources of application server instances within a cluster of application server instances, the manageable resources being monitored by the MBeans, that the MBeans include monitor and runtime beans, the monitor MBeans retrieving

monitoring data from the runtime MBeans, and the runtime MBeans providing the monitoring data to the monitoring MBeans. All of the new limitations are supported throughout the specification and drawings, and in particular by the description of the managed beans in FIGS 5-6 and the accompanying paragraphs [0017-38].

Applicants submit that there is nothing in the cited art of record that discloses *registering a plurality of management beans (MBeans) with an MBean server, the MBean server providing the MBeans with access to manageable resources of application server instances within a cluster of application server instances, the manageable resources being monitored by the MBeans*, displaying a representation of a plurality of management beans (MBeans) registered with an MBean server on a graphical user interface of a computing device, *the registered MBeans including monitor MBeans and runtime MBeans, the monitor MBeans retrieving monitoring data from the runtime MBeans and the runtime MBeans providing the monitoring data to the monitoring MBeans*, and accessing an attribute of the selected MBean with the graphical user interface *to view the retrieved monitoring data regarding the manageable resource represented by the selected MBean*, as recited in Claim 1. For example, there is nothing in the Ismael reference that teaches such a distinction between the monitor and runtime managed beans. Furthermore, E does not cure this deficiency of Ismael. For at least this reason, Applicant

submits that Claim 1 is patentably distinguishable over Ismael and E, either alone or in combination, and requests that the Examiner withdraw the rejection of Claim 1.

Independent Claims 15, 20 and 25 recite limitations analogous to those recited in independent Claim 1. Claims 10-12, 14, 18-19, 23-24, 29 and 30 depend from Claims 1, 15, 20 and 25, respectively. Thus, for at least the same reasons that Claim 1 is patentably distinguishable over Ismael and E, either alone or in combination, Applicant submits Claims 10-12, 14-15, 18-20, 23-25, 29 and 30 are also patentably distinguishable over Ismael and E, and requests that the Examiner withdraw the rejections.

### **Claim 13**

With regard to the rejection of Claim 13 under Section 103, the Examiner acknowledges that Ismael does not disclose accessing a queue size attribute of the MBean representing the cluster manager to determine a number of requests waiting in the queue.

However, the Examiner argues that E teaches that a request for a lock may be queued by a lock mechanism, and that Yeluripati teaches a functional bean that receives client requests from a queue to service the request on a first come first served basis. Based on E and Yeluripati, the Examiner concludes that it would have been obvious to use a queue to service the requests in an MBean representing the cluster manager, and to subsequently access the queue size attribute of the MBean to determine a number of requests waiting in the queue.

Applicant disagrees, and submits that neither E nor Yeluripati cures the above-noted deficiencies with respect to the application of Ismael and E to Claims 1 and 12, from which Claim 13 depends. Accordingly, Applicant submits that Claim 13 is

allowable, at least in part, because it depends from allowable independent Claim 1 and dependent Claim 12, and because of its additional limitations.

**Claims 3-9, 17, 22, 27 and 28**

With regard to the rejection of Claims 3-9, 17, 22, 27 and 28 under Section 103, the Examiner acknowledges that neither Ismael nor E teach displaying a representation of a plurality of hierarchically organized MBeans as a tree structure having a root node, wherein the root node is an MBean representing the cluster of application server instances, nor do they teach that the tree structure further includes one or more server nodes depending from the root node and showing kernel nodes, library nodes and service nodes depending from each of the one or more server nodes, wherein all these nodes are MBeans.

However, the Examiner argues that Hessmer discloses these elements, and that it would have been obvious to incorporate the teaching of Hessmer with that of Ismael and E to use a hierarchical tree structure for representing the MBeans. Applicants disagree, and submit that Hessmer does not disclose these elements. For example, in Hessmer, the diagnostic utility directly presents the “diagnostic data sources and their containers in the form of a hierarchical structure view” as depicted in FIG. 4. This is not the same as presenting registered MBeans as part of a monitor tree because, among other reasons, the registered MBeans may be associated with one or more MBean servers that are not logically related to the underlying physical or logical nodes associated with the manageable resources being monitored.

Even if Hessmer discloses these elements (which Applicants do not admit), Hessmer still fails to cure the above-noted deficiencies with respect to the application of

Ismael and E to Claims 1, 15, 20 and 25 from which Claims 3-9, 17, 22, 27 and 28 depend. Accordingly, Applicant submits that Claims 3-9, 17, 22, 27 and 28 are allowable, at least in part, because they depend from allowable independent Claims 1, 15, 20 and 25, and because of their additional limitations.

## CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, Claims 1, 3-15, 17-20, 22-25, and 27-30 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

---

July 2, 2009  
Date

---

/Donna Jo Coningsby/  
Donna Jo Coningsby  
Reg. No. 41,684  
Attorney for Applicant(s)

1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
(503) 439-8778